REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 3-8, 25, 26, 31 and 32-37 are presently active in this case, Claims 1, 25, 31 and 32 are amended by the present amendment.

In the outstanding Office Action, Claims 1, 7, 8, 25 and 31-33 were rejected under 35 U.S.C. §103(a) as unpatentable over de Groot (U.S. Patent No. 6,421,047) in view of Kusmaul (WO 96/07151); Claims 3-6, 26, 34, 35 and 37 were rejected under 35 U.S.C. §103(a) as unpatentable over de Groot and Kusmaul in view of Leahy et al. (U.S. Patent No. 6,219,045, herein Leahy); and Claims 33 and 36 were rejected under 35 U.S.C. §103(a) as unpatentable over de Groot and Kusmaul in further view of Boyd (U.S. Provisional App. 60/185,902).

Support for amendments to the claims can be found in the disclosure as originally filed, for example, on page 36. Specifically, this portion of disclosure illustrates that the types of virtual spaces being determined based on respective characteristics of the virtual spaces different from an amount of resources of the community service offering apparatus that is utilized by each respective virtual space. For instance, in a non-limiting example, page 36, lines 19-22 states that "a room that is small in size but has superior functions commands higher fees than others, and so does a room with modest functionality but with a magnificent design." This portion of the disclosure illustrates that a type of a virtual space may be determined based on functionality, design, etc. and not merely based on size/resources used. Thus, no new matter is added.

In response to the rejection of Claims 1, 3-8, 25, 26, 31 and 32-37 under 35 U.S.C. §103(a), Applicant respectfully requests reconsideration of these rejections and traverses the rejections as discussed next.

Amended Claim 1 recites, in part,

> virtual space information storing means for storing, in advance, virtual space information specifying a plurality of types of virtual spaces to be offered for purchase, the virtual spaces configured to enable interaction between avatars, the types of virtual spaces being determined based on respective characteristics of the virtual spaces different from an amount of resources of the community service offering apparatus that is utilized by each respective virtual space;
>
> virtual space offering means for allowing a first user of a plurality of users to select one of said virtual spaces as a user-specific virtual space leased or owned by said first user of the plurality of users, each user corresponding to at least one avatar; and
>
> charge controlling means for charging said first user of the plurality of users a fee to own or lease said user-specific virtual space, wherein said fee is based on the specified type of said user-specific virtual space and only said first user of the plurality of users is charged to own or lease said user-specific virtual space and the remaining plurality of users may access the virtual space without charge.

Claims 25, 31 and 32 recite similar features, however in different claim formats.

In the outstanding Office Action, Claim 1 was rejected under 35 U.S.C. §103(a) as being unpatentable over de Groot in view of Kasmaul. The outstanding Office Action, acknowledges on page 3 that

> De Groot is silent regarding a virtual space information specifying a plurality of types of virtual spaces to be offered for selection; a charge controlling means for charging said first user of the plurality of users a fee to own or lease said user-specific virtual space, wherein said fee is based on the specified type of said user-specific virtual space and only said first user of the plurality of users is charged to own or lease said user-specific virtual space and the remaining plurality of users may access the virtual space without charge.

However, the outstanding Office Action relies on Kasmaul as curing this deficiency in de Groot.

Kusmaul describes virtual villages in which virtual real estate may be rented. In addition Kusmaul describes that the charge for the virtual real estate is based on the kind and

size of the virtual real estate, where kind and size corresponds to the amount of resources utilized.[1]

However, Kusmaul does not describe or suggest charge controlling means for charging said first user of the plurality of users a fee to own or lease said user-specific virtual space, wherein said fee is based on the specified type of said user-specific virtual space and only said first user of the plurality of users is charged to own or lease said user-specific virtual space and the remaining plurality of users may access the virtual space without charge and the types of virtual spaces being determined based on respective characteristics of the virtual spaces different from an amount of resources of the community service offering apparatus that is utilized by each respective virtual space, as is recited in Claim 1.

For instance, Kusmaul specifically states on page 3 that "***a tenant is thus charged for the square bytes associated with the "kind" and "size" of the space it rents***, where "kind" translates to the types of resources utilized and "size" translates to the amounts of the various system resources utilized" (emphasis added).

Thus, while Kusmaul describes charging a user based on the amount of "square bytes" that a certain type (or size) of space uses, the claimed invention recites charging a user based on a specified type of said user-specific virtual space, where the type of virtual space is determined based on characteristics of the virtual space that are different from the amount of resources that the space uses.

The claimed invention provides at least the advantage over systems such as Kusmaul in that the claimed invention is able to charge users more dynamically and not simply based on used resources.

[1] See page 3, line 29 of Kusmaul.

Accordingly, Applicants respectfully submit that Kusmaul does not cure the above noted deficiencies of de Groot with respect to the above noted features of amended Claims 1, 25, 31 and 32.

In addition, none of the further cited Leahy or Boyd references cures the above noted deficiencies of de Groot and Kusmaul with regard to the claimed invention.

In addition, with respect to Claims 3, 4, 5, 26, 34, 35 and 37, the outstanding Action states on page 5 that

> Leahy et al. disclose that each room has a given maximum number of avatars...since each room has a given maximum number of avatars (objects), the limitations on the virtual space fee based on number of users, objects, types of objects, amount of data constituting a real storage area, specified type of said user-specific virtual space, and the amount of virtual space owned or leased by said purchasing/first user in the virtual world are deemed an obvious variant of Leahy et al. which monitor popularity in conjunction with billing to bill higher at most popular spaces.

Applicants respectfully traverse this assertion as improper. Specifically, Applicants note that the "crowd control" element of the Leahy reference is not related in any way to billing. Instead, this element is merely a way of solving the technical problem that the client is unable to handle over a certain number of avatars. Thus, this element limits the number of avatars in order to ensure that the system operates smoothly. Thus, the maximum number of avatars is not tied to billing in any way in Leahy. In addition, Applicants respectfully traverse the assertion that Leahy "monitors popularity in conjunction with billing to bill higher at the most popular spaces." In fact, Leahy merely states "the world object periodically initiates the collection of statistics on usage (for billing, study of which rooms are most popular, security logs, etc)."[2] Nothing in Leahy states that popularity is monitored in order to bill higher at the most popular spaces. This is simply not found in Leahy. Thus, Applicants respectfully

[2] Leahy, col. 15, lines 12-14.

submit that the features recited in the claimed invention are in no way obvious variants of Leahy.

Accordingly, for the above reasons, Applicants respectfully submit that Claims 1, 25, 31 and 32, and claim depending therefrom, patentably distinguish over de Groot, Kusmaul, Boyd and Leahy considered individually or in any proper combination.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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